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11 *Attorneys for Non-Party Officials of*
the Public Investment Fund of
the Kingdom of Saudi Arabia.

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 IN RE TESLA, INC. SECURITIES
17 LITIGATION

Case No. 3:18-cv-04865-EMC

18 **DECLARATION OF KIMBERLY**
19 **A. HAVLIN IN SUPPORT OF**
20 **THE MOTION TO QUASH RULE**
21 **45 SUBPOENAS OF NON-PARTY**
22 **OFFICIALS OF THE PUBLIC**
23 **INVESTMENT FUND OF THE**
24 **KINGDOM OF SAUDI ARABIA**

25 Judge: Honorable Edward M. Chen
26 Date Filed: August 10, 2018
27 Trial Date: January 17, 2023

1 I, Kimberly A. Havlin, hereby declare and state:

2 1. I am an attorney duly licensed to practice law in the state of New York and my *pro
3 hac vice* motion is pending before this Court. I am a partner in the law firm of White & Case LLP,
4 and am one of the attorneys representing non-party subpoena recipients His Excellency Yasir O. Al-
5 Rumayyan, Mr. Turqi Al-Nowaiser, Mr. Saad Al Jarboa, and Mr. Naif Al Mogren (together, “Non-
6 Parties”).

7 2. Attached hereto as Exhibit 1 are true and correct copies of the Subpoenas
8 purportedly served on Non-Parties to appear and testify at the trial scheduled in this Action, which
9 were previously filed as ECF Nos. 522-525.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of the Kingdom of Saudi
11 Arabia Public Investment Fund’s website page titled “Who We Are,” accessed on January 10, 2023.

12 4. Attached hereto as Exhibit 3 is a true and correct copy of the Kingdom of Saudi
13 Arabia’s Public Investment Fund Law.

14 5. Attached hereto as Exhibit 4 is a true and correct copy of the Kingdom of Saudi
15 Arabia Public Investment Fund’s website page titled “Our Leadership,” accessed on January 10,
16 2023.

17 6. Attached hereto as Exhibit 5 is a true and correct copy of the Entity Details for
18 USSA International LLC, a subsidiary of the Public Investment Fund, as filed with the Delaware
19 Division of Corporations Registry.

20 7. Attached hereto as Exhibit 6 is a true and correct copy of a letter dated January 6,
21 2023 sent by my partner, Carolyn B. Lamm, to Defendants’ counsel, Christine M. Morgan,
22 requesting that Defendants withdraw the deficient Subpoenas.

23 8. Attached hereto as Exhibit 7 is a true and correct copy of the January 9, 2023 e-mail
24 sent by Defendants’ counsel to Ms. Lamm.

25 9. Attached hereto as Exhibit 8 is a true and correct copy of the January 9, 2023 e-mail
26 sent by Ms. Lamm requesting that Defendants formally withdraw the Subpoenas.

27
28 I declare under penalty of perjury under the laws of the State of California and the United

1 States of America that the foregoing is true and correct and that I executed this Declaration on
2 January 12, 2023, at New York, New York.

3 Dated: January 12, 2023

4 By: /s/ Kimberly A. Havlin

5 Kimberly A. Havlin (*pro hac vice pending*)

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FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Heather M. Burke, attest that concurrence in the filing of this document has been obtained.

Executed: January 12, 2023

/s/

Heather M. Burke

Heather M. Burke